

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Western District of Texas

FILED

April 28, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY: Marlene Villarreal
DEPUTY

United States of America
v.
Carlos Nery
PATATUCHI-Pena

Case No.

EP:25-MJ-2003-ATB*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 4/25/2025 in the county of Hudspeth in the
Western District of Texas, the defendant(s) violated:

Code Section

Title 18 U.S.C § 1546

Offense Description

Whoever use an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor, an identification document knowing (or having reason to know) that the document is false.

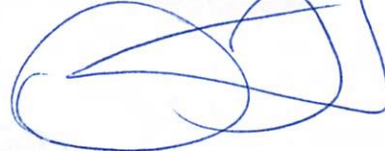
This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.Edzavier Reese

Complaint sworn to telephonically on
April 28, 2025 at 01:04 PM and signed
electronically. **FED.R.CRIM.P. 4.1(b)(2)(A)**

Sworn to before me and signed in my presence.

Date: 4/28/2025City and state: El Paso, TexasEdzavier Reese Border Patrol Agent*Printed name and title**Judge's signature*Anne T. Berton U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT

On April 25, 2025, United States Border Patrol Agents (BPA) assigned to the Sierra Blanca United States Border Patrol Checkpoint encountered a Greyhound passenger bus. Agents introduced themselves as a U.S. Border Patrol Agents in English and Spanish language and began conducting an immigration inspection of its occupants. Agents questioned an occupant, later identified as PATATUCHI PENA, Carlos Nery as to his citizenship. PATATUCHI PENA stated he was a citizen of Mexico. Agents then asked PATATUCHI PENA if he had any valid immigration documents that would allow him to be in, travel through, or remain in the United States legally. PATATUCHI PENA handed agents a valid B1 Visa in the name of MONSIVAIS-MACIAS Pedro Alejandro with no 1-94. Agents then asked PATATUCHI PENA when he last entered United States and he answered "yesterday" (04/24/2025) through El Paso, Texas.

Agents queried the B1/B2 Visa and notified the last entry was from 06/24/2024 through Laredo, Texas. At this time PATATUCHI PENA was placed under arrest for Overstaying his Visa and escorted off bus into the Checkpoint for Further questioning. Further checks revealed that the Visa was reported lost/stolen on May 2, 2022, and the B1/B2 Visa in PATATUCHI PENA's possession matched the stolen Visa.

At this time, PATATUCHI PENA was interviewed. United States Border Patrol- Intelligence Agents conducted an interview with PATATUCHI PENA. He was given his Miranda Statement of Rights, and he agreed to make a statement without the presence of an attorney. He stated that he met someone in Mexico who said that they could put him in touch with someone in El Paso that could get him immigration documents. PATATUCHI PENA states that he was then contacted by someone in El Paso, met with them and paid for the visa and was instructed to delete all messages and contact info.

I make this affidavit based on my personal knowledge, as well as the basis of information furnished to me by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.